

**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF ILLINOIS
 WESTERN DIVISION**

In re: Tina Johnson)	Judge Thomas M. Lynch
Debtor)	
)	Case No. 17-82868
)	
)	Chapter 7
)	
Patrick Layng, US Trustee)	Adversary Case
Plaintiff)	18-96018
)	
v.)	
)	
Michael C. Burr, Jaafar Law Group PLLC,)	
Fairmax Law, Michael Jaafar, David Ienna,)	
Christina Banyon, and David Carter,)	
Defendants)	

**STIPULATION BETWEEN PLAINTIFF AND DEFENDANT DAVID CARTER
 AND CONSENT DECREE**

Now comes the Plaintiff, United States Trustee Patrick S. Layng, by his attorney Debra L. Schneider, and Defendant David Carter, by his attorney Brian A. Hart who respectfully request this Court enter an Order approving the Stipulation and Consent Decree as set forth below.

RECITALS:

The parties acknowledge that the following forms the basis for this Stipulation:

1. This adversary proceeding is related to the chapter 7 case of Tina Johnson, Case No. 17-82868, pending in the United States Bankruptcy Court for the Northern District of Illinois, Western Division.
2. The Debtor is an assisted person whose debts are primarily consumer debts as defined in 11 U.S.C. § 101(3) and (8).
3. Attorney David H. Carter (“Carter”) is licensed to practice law in the State of Illinois. He is self-employed at the Law Office of David H. Carter, an Illinois law firm.

4. Defendant Carter is a debt relief agency as that term is defined in 11 U.S.C. § 101(12A).
5. The Court has jurisdiction over this adversary proceeding and this matter is a core proceeding pursuant to 28 U.S.C. §§ 157 and 1334.
6. The parties agree to settle this action as it pertains to Defendant David Carter and consent to the Court's entry of the proposed Consent Decree and Order. The Consent Decree is entered into voluntarily by the parties to resolve the claims asserted by the United States Trustee.
7. Defendant David Carter ("Carter") admits the following allegations in the Complaint that pertain to him:
 - a. On January 9, 2018, Carter attended the meeting of creditors in Case No. 17-82868 as appearance counsel.
 - b. Defendant Christine Banyon contracted with Carter, via e-mail late in the day of January 8, 2018, to appear as appearance counsel the following day on Banyon's behalf in the Tina Johnson case, Case No. 17-82868.
 - c. Defendant Banyon paid Carter \$50.00 to act as appearance counsel in Case No. 17-82868.
 - d. Carter failed to disclose his involvement as appearance counsel and did not file a Disclosure of Compensation in Case No. 17-82868 pursuant to Rule 2016 and Local Rule 2016-1 until after the adversary complaint was filed.
 - e. Carter first met the Debtor on January 9, 2018, just prior to her meeting of creditors.
 - f. Carter did not print the Debtor's petition, schedules or other bankruptcy documents. He did not have a paper or electronic copy of the Debtor's

bankruptcy documents when he met with her and accompanied her to the meeting of creditors.

- g. Carter was unaware that the first time the Debtor saw the schedules that had been filed in her case was when they were presented to her by the Trustee at the meeting of creditors.
- h. As appearance counsel Carter was unable to answer questions raised by the Trustee regarding the Debtor's legal representation.
- i. Carter and Defendant Burr had no direct communication on the case of Tina Johnson, Case No. 17-82868.
- j. Carter is a registered user of the Case Management/Electronic Case Filing System for the Northern District of Illinois.

AGREEMENT:

To resolve the United States Trustee's Complaint without further litigation, Defendant David Carter admits the facts contained herein and stipulates and agrees to the following terms and conditions:


- 8. **Fee Disgorgement and Refund** – Carter shall disgorge the \$50.00 fee he received in Case No. 17-82868. While Carter was paid directly by Defendant Banyon, Carter shall issue a check payable to the Debtor, Tina Johnson, within ten (10) days of the entry of this Stipulation and Order. Attorney Brian A. Hart has a Declaration of Mailing stating he personally mailed the check to the Debtor's address of record. Said Certificate of Mailing has been docketed as item #19 in this adversary case.
- 9. **Rule 2016(b) Disclosure and Fee Agreements** – Within ten day (10) of the entry of this Stipulation and Order Carter shall file a Rule 2016 Disclosure of Compensation in this case and shall disclose whether an agreement or understanding exists between

Carter and Defendant Banyon and any other entity and the particulars of sharing any compensation. The Defendant David H. Carter has now filed a Rule 2016 Disclosure. Said disclosure was filed on July 11, 2018 and docketed as item #53 in case number 17-82868.

10. Future Practice - Carter shall file an accurate and complete Rule 2016 Disclosure of Compensation in all future cases and shall fully disclose compensation and whether an agreement or understanding exists between Carter and any other entity and the particulars of sharing of any compensation. If Carter appears with a debtor at a meeting of creditors, he shall bring with him a copy of each debtor's petition, schedules, and statement of financial affairs.

11. Continuing Legal Education/Ethics Training and Certification of Completion - Carter shall complete three hours of Illinois approved Continuing Legal Education ethics credits. Proof of completion shall be tendered to the United States Trustee, and Carter shall file a sworn affidavit with the Court indicating his completion of the three hours. Said hours shall be completed and the affidavit filed within ten (10) days of the entry of this Stipulation and Order. Carter has completed the required three hours and has filed the required affidavit which has been docketed as item #18 in this adversary case.

12. The Plaintiff and Defendant Carter consent to the entry of an Order consistent with the terms outlined above.


Debra L. Schneider
Attorney for Plaintiff,
Patrick S. Layng U.S. Trustee

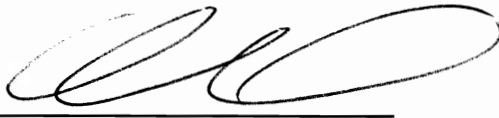
Dated: 8/2/18



Brian A. Hart
Attorney for Defendant,
David Carter

Dated: 8-2-18

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David Carter, Defendant

Dated: 8/2/18